

11. (Amended) A method of inducing apoptosis in a cell, comprising expressing in said cell an effective amount of a fragment of SEQ ID NO: 2 comprising amino acid residues 168-240 of SEQ ID NO: 2, wherein expression of said fragment induces apoptosis.
12. (Amended) A method of inducing apoptosis in a cell, comprising expressing in said cell an effective amount of a ~~purified~~ protein comprising amino acid residues 168-240 of SEQ ID NO: 2, wherein expression of said protein induces apoptosis.
13. (Amended) A method of inducing apoptosis in a cell, comprising expressing in said cell an effective amount of a ~~purified~~ protein consisting essentially of amino acid residues 168-240 of SEQ ID NO: 2, wherein expression of said protein induces apoptosis.

#### REMARKS

Claims 1-13 are the pending claims in the present application, and claims 1-6 and 10-13 are currently under consideration. Applicants will cancel non-elected claims upon indication of allowable subject matter. Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

1. Applicants note with appreciation that the response filed November 12, 2002 has been entered. Claims 1-6 and 10-13 are pending and currently under consideration.
2. Claims 1-6 and 10-13 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Deen et al. (United States Patent No. 6013476). Applicants traverse this rejection to the extent it is maintained in light of the amended claims.

The Examiner appears to agree with Applicants' contention that Deen et al. failed to appreciate that the disclosed composition could be used to induce apoptosis in cells. However, the Examiner and Applicants appear to disagree as to whether the disclosure of Deen et al., absent an appreciation of the function of the composition in inducing apoptosis, is sufficient to anticipate Applicants' composition claims. Applicants maintain the arguments of record and contend that the disclosure of Deen et al. fails to satisfy the criteria for anticipating the claimed

invention. Nevertheless, to expedite prosecution of claims directed to commercially relevant subject matter, Applicants have amended the claims to explicitly refer to a method of inducing apoptosis. Applicants' amendments are not in acquiescence of the rejection, and Applicants reserve the right to prosecute claims of similar or differing scope. Reconsideration and withdrawal of this rejection are respectfully requested.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 18-1945**.

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Respectfully Submitted,



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